

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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)	
UNITED STATES OF AMERICA)	
)	
v.)	No. 16-10094-LTS
)	
ROSS MCLELLAN,)	
Defendant)	
)	
_____)	

**STATUS REPORT CONCERNING DOCUMENT PRODUCTION REQUEST TO THE
IRISH GOVERNMENT PENSION FUND**

Now comes the Defendant, Ross McLellan, by and through undersigned counsel, and hereby respectfully files this status report updating the Court on the parties' efforts to acquire documents from the Irish Government Pension Fund. On April 27, 2018, Mr. McLellan filed a status report informing the Court that the Irish Government Pension Fund had represented to the Government that it would not "voluntarily produce *any* of the documents requested by the defense" via Letter Rogatory. Dkt. 344 at 1. The prior status report also noted that the Government had agreed "to make an informal request to the specific State Solicitors assigned to the matter" in a final attempt to procure the evidence sought. *Id.* at 1 n.1. Mr. McLellan has since been advised by the Government that the Irish Government Pension Fund has not changed its position as to its decision not to voluntarily produce the requested documents and that Irish authorities have communicated that they will not respond to any Letters Rogatory as previously documented in Dkt. 276.

As a result of these developments, it appears all but certain that Mr. McLellan will be forced to proceed to trial without access to any of the Irish Government Pension Fund's internal

communications regarding the transition expressly charged in the Indictment unless the Court grants the relief previously requested, i.e. require the Government to issue an MLAT request to the Irish authorities (that being indisputably the exclusive procedure that will be honored by the Irish authorities) or exclude the testimony of representatives of the Irish Government Pension Fund. Absent such relief, Mr. McLellan will be forced defend against charges and to cross-examine key Government witnesses without evidence that the Court has already characterized as “directly relevant.” *See* Dkt. 168-1. For this reason, as well as those outlined in Mr. McLellan’s prior motion, *see* Dkt. 276, Mr. McLellan respectfully requests that this Honorable Court compel the Government to submit a formal request pursuant to the U.S.-Ireland Mutual Legal Assistance Treaty or, alternatively, preclude the two Irish Government Pension Fund witnesses from testifying.

Respectfully Submitted,
Ross McLellan
By His Attorney,

/s/ Martin G. Weinberg
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Dated: May 14, 2018

CERTIFICATE OF SERVICE

I, Martin G. Weinberg, hereby certify that on this date, May 14, 2018, a copy of the foregoing document has been served via Electronic Court Filing system on all registered participants.

/s/ Martin G. Weinberg
Martin G. Weinberg